

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.735/2021**

**This the 1<sup>st</sup> day of July, 2021**

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**



Mohd. Wasif Khan  
S/o Late Mohd. Yusuf Khan  
R/o Mohalla Mehmangadhi,  
Post Office Garra Road, Police Station Kotwali,  
Distt. Shahjahanpur, U.P.

..Applicant

(through Advocate: Shri Ashok Kumar )

VERSUS

1. National Institute of Malaria Research  
(Through its Administrative Officer/Director)  
Sector-8, Dwarka, New Delhi-110077
2. Indian Council of Medical Research  
(Through its Administrative Officer/Director)  
V. Ramalinga Swamy Bhawan, P.O. Box  
No.4911, Ansari Nagar, New Delhi-110029

... Respondents

(through Advocate: Shri Shashwat Sharma)

**ORDER (Oral)**

**Hon'ble Mr. R. N. Singh, Member (J):**

In the present OA, the applicant has challenged the transfer order dated 21.01.2021 (Annexure A-1). The contention of the applicant has been that in spite of his representation against the impugned transfer order dated

21.01.2021, no remedial action has been taken by the respondents and, therefore, the present OA has been preferred.



2. On 06.04.2021, the following orders were passed :-

*“Notice returnable in four weeks.*

*There shall be an interim direction to the respondents to pass orders on the representation made by the applicant within four weeks.*

*Post on 07.05.2021.”*

3. On 07.05.2021, after hearing the learned counsels for the parties, the following orders were passed :-

*“Mr. Shashwat Sharma, learned counsel for respondents submits that the respondents are not in receipt of a copy of the OA. He further submits that respondent No. 1 has even written a letter dated 19.04.2021 to the applicant to provide a copy of his representation. However, the same has not been done so far by the applicant. He further submits that in these facts and circumstances, the respondents have not been able to file reply.*

*In the aforesaid facts and circumstances, the applicant is directed to supply a copy of the present OA alongwith annexures thereof to the respondents' learned counsel within two weeks from today. The applicant shall also provide a copy of his representation, stated to be pending consideration of the respondents within such time. The respondents are further directed to comply with the order dated 06.04.2021 within two weeks of receipt of a copy of the OA as well as a copy of the applicant's pending representation with the respondents.*

*Re-notify on 01.07.2021.”*



4. Learned counsel for the applicant submits that in spite of lapse of more than two months, the respondents have not filed reply.

5. Per contra, Shri Sharma, learned counsel, who appears for respondents submits that in pursuant to the Order dated 06.04.2021 read with the Order dated 07.05.2021 of this Tribunal in the present matter, the respondents have considered the applicant's pending representation and have disposed of the same by passing a speaking order dated 15.06.2021. He further adds that the applicant has not chosen to challenge the said order dated 15.06.2021 and in the given facts and circumstances, no relief can be granted to the applicant in the present matter.

6. However, Shri Ashok Kumar, learned counsel for the applicant submits that he has not received any instructions as to whether the applicant has received a copy of the said order dated 15.06.2021.

7. In the facts and circumstances, learned counsel for the respondents undertakes to supply a copy of the said order dated 15.06.2021 (soft as well as hard copy) to the learned counsel for the applicant positively by tomorrow.

8. In view of the aforesaid, the learned counsel for the applicant seeks permission to withdraw the OA with liberty to the applicant to raise his grievances, in accordance with law, if so advised. Permission is granted. OA stands dismissed as withdrawn, with liberty, as aforesaid.



**(R.N. Singh)**  
**Member (J)**

**(A. K. Bishnoi)**  
**Member (A)**

*/chanchal/uma/anjali/*